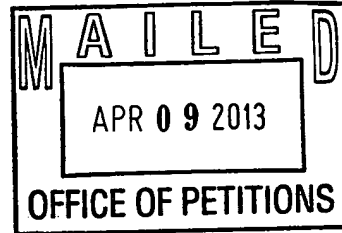




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In re Patent No. 6,126,944
Issued: October 3, 2000
Application No.: 08/480,850
Filing Date: June 7, 1995
Attorney Docket No. **1414.657**

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: REQUEST FOR INFORMATION
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This is a request for information in response to the petition under 37 CFR 1.378(e), filed March 27, 2012, to reinstate the above-cited patent.

Petitioner is allowed a non-extendable period for reply of **TWO (2) MONTHS** from the mailing date of this communication to provide a response. The response should be titled, "Response to Request for Information." If no response is provided within the period set forth, a decision will be made solely on the merits as set forth in the previously filed petitions. No additional fees are due.

The patent issued October 3, 200. The 7.5 year maintenance fee could have been paid from October 3, 2007, through April 3, 2008, or with a surcharge, as authorized by 37 CFR 1.20(h), during the period from April 4, 2008, to October 3, 2008. Petitioner did not do so. Accordingly, the patent expired at midnight on October 3, 2008.

Petitioner is required to address the following points:

- Relative to the docketing system used by the assignee (Inteum C/S Intellectual Property management system) please provide:
 - 1) Additional information regarding the docketing system used by the assignee and its use in the industry and why it is a reliable system.
 - 2) Additional information regarding the data required to be entered into the docketing system for each patent.
 - 3) Additional information relative to any cross checks in the docketing system that are engineered to compensate for data entry errors or omissions in data entry.
- It is noted that petitioner indicates that as of September 2009, the subject patent was noted in assignee's docketing system as in good standing. Yet, the patent had been expired since October 2008. Petitioner notes that had the Notice of Expiration been entered by Ms. Veronica Brown when it was received on November 28, 2008, such would have been noted in the docketing system. Arguably, an adequate docketing system would generate reminders and alerts when a maintenance fee was due or had been missed. Petitioner is required to provide additional

information on how the docketing system was maintained whereas it appears that the docketing system is simply a notation system and not a system intended to track maintenance fee due dates and provide alerts and reminders when a maintenance fee is due or missed.

- It is noted that petitioner states that Mr. Valentin Fikovsky was hired as a Patent Advisor for the assignee in March 2008, and that he inherited hundreds of patent files with hundreds of deadlines from the firm of Needles & Rosenberg. Petitioner is required to describe the business routine put in place by the assignee to assist Ms. Fikovsky in the transition from Needles & Rosenberg.
- It is noted that petitioner demonstrates that Mr. Fikovsky had extensive experience in the management of patent portfolios such that, when he was offered training on tracking and paying the maintenance fees as it applied to the patents owned by the assignee, Mr. Fikovsky declined the training. Arguably, this is imprudent on the part of Mr. Fikovsky and the assignee. While Ms. Fikovsky may have had extensive experience in the management of patent portfolios, the record does not demonstrate that he had experience relative to the business routine and docketing procedures for the assignee. Petitioner is required to address Mr. Fikovsky's direct experience with the business routine and docketing procedures for the assignee relative to the maintenance of the patents owned by the assignee.
- Petitioner is required to address what complicated Mr. Fikovsky's efforts to determine whether the maintenance fee could be paid by credit card or through a maintenance fee payment agency such that the investigation took from May 2008 until years later. It is noted that the payment of the maintenance fee in the subject patent prompted the inquiry as to how the maintenance could be paid. Yet, petitioner alleges that the investigation into how the maintenance could be paid took a long time and, in the ensuing period, Mr. Fikovsky forgot that the subject patent required attention. This does not demonstrate that the assignee treated the maintenance of this patent as its most important business. Petitioner is required to address how, in view of the aforementioned, the assignee can be considered to have treated the maintenance of the patent as its most important business.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patent
Mail Stop Petitions
Box 1450
Alexandria, VA 22313-1460

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions